

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS R. PATTEE,

Plaintiff,

-against-

3:05-CV-0357
(LEK/GJD)

MICHAEL J. ASTRUE¹,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 31, 2007 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec. (Dkt. No. 14). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Thomas R. Pattee, which were filed on February 6, 2007. Objections (Dkt. no. 15).

It is the duty of this Court to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. §636(b). “A [district] judge . . . may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a *de novo* review of the record and has determined that the Report-Recommendation

¹ Michael J. Astrue was sworn in as Commissioner of Social Security on February 12, 2007. The Clerk is directed to substitute Mr. Astrue as Defendant in this action.

should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 14) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Commissioner's decision is **AFFIRMED**; and it is further

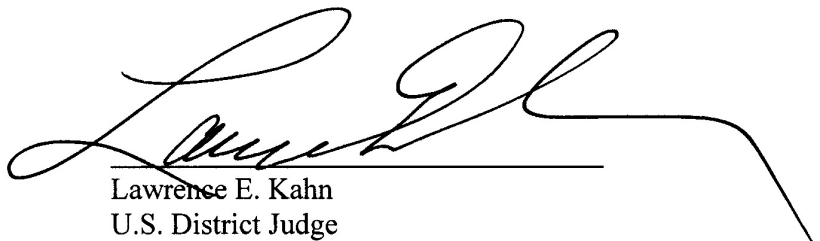
ORDERED, that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** in all respects; and it is further

ORDERED, that the Clerk of the Court substitute **Michael J. Astrue** as Defendant on the Docket sheet in this case; and it is further

ORDERED that the Clerk serve a copy of this Order on all parties by regular mail.

IT IS SO ORDERED.

DATED: February 20, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge